

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, JULY 30 AND 31, 2012
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

REPORTING THE RESULTS OF THE CLOSED SESSION MEETING

Only items that can be disclosed are reported out in the Open Session of the regular City Council Meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk’s minutes for Open Session for more information. Assistant City Attorney Mary Jo Lanzafame reports the results of the Closed Session Meeting of July 30 - 31, 2012, as follows:

CLOSED SESSION MEETING FOR MONDAY, JULY 30, 2012

(Closed Session Items were heard on Tuesday, July 31, 2012, at 9:00 a. m. and continued to 11:30 a.m.)

CLOSED SESSION MEETING FOR TUESDAY, JULY 31, 2012, AT 9:00 A.M.

ROLL CALL:

Present: Council President Young, Council President Pro Tem Faulconer, and Councilmembers Lightner, Gloria, DeMaio, Zapf, and Alvarez

Absent: Mayor Sanders (Absent for the meeting.)
Councilmember Emerald – Dist. 7 (Absent for the meeting.)

CLOSED SESSION ITEMS FOR THE 9:00 A.M. SESSION:

Public employment - performance evaluation, pursuant to California Government Code section 54957(b)(1):

CS-1 Title: City Clerk

REPORT: Nothing to report.

CS-2 Title: Independent Budget Analyst

REPORT: Nothing to report.

CS-7 *Border Business Park, Inc. v. City of San Diego*
San Diego Superior Court Case No. GIC692794

Border Business Park, Inc. v. City of San Diego
San Diego Superior Court Case No. 37-2011-00090494-CU-EU-CTL

National Enterprises, Inc. v. City of San Diego
San Diego Superior Court Case No. GIC73001

Otay Acquisitions, LLC v. City of San Diego
San Diego Superior Court Case No. GIC753247

Otay Truck Parking, LP v. City of San Diego
San Diego Superior Court Case No. 37-2009-00095661-CU-EI-CTL

DCA Assigned: D. Karlin

Outside Counsel Assigned: Christopher Garrett, Patricia Guerrero and Jake Ryan of the
law firm of Latham & Watkins LLP

REPORT: Nothing to Report

Conference with Labor Negotiators, pursuant to Government Code section 54957.6:

CS-8 Management Team Members:

Timothy Davis, Esq., Burke, Williams & Sorensen LLP
Jay Goldstone, Chief Operating Officer
Wally Hill, Assistant Chief Operating Officer
Scott Chadwick, Director, Human Resources Department
Jennifer Carbuccia, Deputy Director, Office of Labor Relations
Karen DeCrescenzo, Labor Relations Officer
Rimah Khouri, Labor Relations Officer
John O'Neill, Labor Relations Officer
Lourdes Silva, Labor Relations Officer
Greg Bych, Risk Management Director
Valerie VanDeweghe, Deputy Director, Risk Management Department
Marcelle Rossman, Financial Operations Manager, Office of the City Comptroller
Javier Mainar, Fire Chief
Brian Fennessy, Assistant Fire Chief
Rick Wurts, Lifeguard Chief
William Lansdowne, Police Chief
Shelley Zimmerman, Assistant Police Chief
Jan Goldsmith, City Attorney
Joan Dawson, Deputy City Attorney
William Gersten, Deputy City Attorney
Roxanne Story Parks, Deputy City Attorney
Lori Thacker, Deputy City Attorney
Tanya Tomlinson, Deputy Director, Office of the City Attorney
Marcus Wu, Esq., Hanson Bridgett, LLP

Designated as representatives within the meaning of California Government Code section 54957.6(a):

Andrea Tevlin, Independent Budget Analyst
Jeff Sturak, Deputy Director, Office of the Independent Budget Analyst
Lisa Byrne, Fiscal and Budget Analyst, Office of the Independent Budget Analyst

Employee organizations:

American Federation of State, County and Municipal Employees,
Local 127 (AFSCME Local 127)
Deputy City Attorneys Association (DCAA)
San Diego City Firefighters, International Association of Fire Fighters, Local 145
San Diego Municipal Employees' Association (MEA)
San Diego Police Officers Association (SDPOA)
Teamsters, Local 911 (Teamsters)

REPORT: Nothing to Report. This item was pulled.

CLOSED SESSION MEETING FOR TUESDAY, JULY 31, 2012, AT 11:30 A.M.

ROLL CALL:

Present: Council President Young, Council President Pro Tem Faulconer, and Councilmembers Lightner, Gloria, DeMaio, Zapf, and Alvarez

Absent: Mayor Sanders (Absent for the meeting.)
Councilmember Emerald – Dist. 7 (Absent for the meeting.)

CLOSED SESSION ITEMS FOR THE 11:30 A.M. SESSION:

CS-3 *Alison Terry v. City of San Diego*,

U.S. District Court Case No. 06cv1459 MMA (CAB)

CDCA Assigned: J. Cordileone

Motion: Approve City Attorney's recommendation – do not appeal trial decision; and will return on issue of appealing attorney's fees.

Moved: Councilmember Lightner – Dist. 1

Seconded: Councilmember Gloria – Dist. 3

Vote: Passed 7 to 0 with Councilmember Emerald absent.

Report: This item was reported out by Assistant City Attorney Mary Jo Lanza fame on Tuesday, July 31, 2012, at 5:30 p.m.

The Council voted on Closed Session Item No. 3, *Alison Terry v. City of San Diego*, U.S. District Court Case No. 06cv1459 MMA (CAB), to refrain from seeking appellate review of the trial court decision. This case arises from an employment practices lawsuit

wherein Plaintiff, Alison Terry, alleged causes of action for retaliation and disparate impact and disparate treatment on the basis of gender discrimination.

The motion passed 7 to 0, with Councilmember Emerald absent.

CS-4 *Cathy Lexin, et al. v. City of San Diego*

San Diego Superior Court Case No. 37-2011-00084354-CU-MC-CTL

DCA Assigned: D. Karlin

REPORT: Nothing to report.

CS-5 *The Redevelopment Agency of the City of San Diego v. LandGrant Development Unlimited, et al.*

San Diego Superior Court Case No. 37-2010-00093850-CU-OR-CTL

DCA Assigned: G. Spitzer

Motion: Approve City Attorney's recommendation to settle.

Moved: Councilmember Lightner – Dist. 1

Seconded: Councilmember Alvarez – Dist. 8

Vote: Passed 7 to 1 with Councilmember Emerald absent.

Report: This item was reported out by Assistant City Attorney Mary Jo Lanza fame on Tuesday, July 31, at 5:30 p.m.

The Council voted on Closed Session Item No. CS-5, *The Redevelopment Agency of the City of San Diego v. LandGrant Development Unlimited, et al.* San Diego Superior Court Case No. 37-2010-00093850-CU-OR-CTL, approving the settlement as follows:

Defendants agree they have no rights to the subject property and further agree to forego any claims they may have under the original development agreement, including any claim for reimbursement; Defendants waive any rights to appeal the summary adjudication quieting title in the Successor Agency; the surety company shall pay \$50,000 to settle the Successor Agency's claim on the bond; and the Successor Agency agrees to dismiss its slander of title claim against Defendants. This item was presented to the City Council in its capacity as the board of the local redevelopment successor agency, officially known as "the City of San Diego, solely in its capacity as the designated successor agency of the Redevelopment Agency of the City of San Diego, a former public body, corporate and politic."

This item relates to litigation brought by the Redevelopment Agency to quiet title to property commonly referred to as the Mercado Property and to collect on a surety bond related to past litigation over the Mercado

The motion passed 7 to 0, with Councilmember Emerald absent.

CS-6 *Dixie Farley v. City of San Diego*

San Diego Superior Court Case No. 37-2011-00097717-CU-PO-CTL

DCA Assigned: C. Milligan

REPORT: Nothing to report.

REPORTED BY: /s/ Mary Jo Lanzafame
Mary Jo Lanzafame
Assistant City Attorney